## FIFTH DAY

(Monday, September 15, 1941)

The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker Green Halsey Allison Alsup Hanna Hargis Avant Harris of Dallas Bailey Harris of Hill Baker Bean Hartzog Helpinstill Bell Benton Henderson Blankenship Hileman Boone Hobbs Brawner. Howard Bray Howington Bridgers. Hoyo Brown Huddleston Bullock Huffman Bundy Hughes Burkett Humphrey Burnaman Hutchinson Carrington Isaacks Cato Jones Celaya Kelly Chambers Kennedy Clark Kersey Cleveland Kinard Klingeman Coker Knight Connelly Lansberry Craig Crossley Lehman Crosthwait Leyendecker Daniel Little Davis Lock Deen Love Dickson of Nolan Lowry Donald Lucas Lyle Dove Duckett McAlister Dwyer McCann McDonald Ellis Eubank McGlasson Evans McLellan Favors McMurry Ferguson McNamara Manford Files Fitzgerald Manning Fuchs Markle Gandy Martin Garland Matthews

Mills

Gilmer

Shell Montgomery Simpson Moore Smith of Bastrop Morgan Smith of Atascosa Morris Morse Spacek Murray Spangler Stanford Pace Parker Stinson Pevehouse Stubbs Phillips Taylor Thornton Price Vale Rampy Reed of Bowie Voigt Reed of Dallas Walters Wattner Rhodes Weatherford Ridgeway Roark White Whitesides Roberts Williamson Sallas Winfree Senterfitt Sharpe

# Absent-Excused

Allen Goodman
Bruhl Hardeman
Carlton Heflin
Colson, Mrs. King
Dickson of Bexar Nicholson

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"We praise Thee this morning, our Heavenly Father, for health and strength and the privilege of service. It is written that in the multitude of counsellors there is wisdom; and we are praying just now that we may find wisdom's ways, and that in the best spirit of democracy and led by Thy Spirit we may see much worthy accomplishment today and in these days, as Thou shalt lead us on. In Jesus' name. Amen."

# LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Bruhl for today on motion of Mr. White.

Mr. Dickson of Bexar, temporarily for today on motion of Mr. Hoyo.

Mr. Heflin for today on motion of Mr. Montgomery.

Mr. Allen for today on motion of Mr. Markle.

Mr. King for today on motion of Mr. Eubank.

Mr. Goodman for today on motion of Mr. Simpson.

Mr. Hardeman for today on motion of Mr. Morris.

Mr. Roark, temporarily for today, on motion of Mr. Ridgeway.

Mr. Taylor for today on account of military service on motion of Mr. Klingeman.

The following Members were granted leaves of absence on account of illness:

Mr. Nicholson for today and the balance of the week on motion of Mr. Kinard.

Mrs. Colson for today on motion of Mr. Lock.

Mr. Carlton for today and the balance of the week on motion of Mr. Morris.

Mr. Leyendecker, temporarily for today, on motion of Mr. Moore.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Spacek (by request):

H. B. No. 30, A bill to be entitled "An Act to prohibit the taking of squirrels in Fayette County, Texas, during certain months of each year, providing for an exception when squirrels are found to be damaging crops, providing a penalty for violation of said Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Spacek (by request):

H. B. No. 31, A bill to be entitled "An Act providing for a closed season or a period of time when it shall be unlawful to take bullfrogs from any portion of Fayette County, Texas; providing for a penalty for violation of said Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By. Mr. Lock:

H. B. No. 32, A bill to be entitled "An Act amending Chapter 13, Acts Third Called Session of the Fortysecond Legislature, as amended; declaring the policy of the State with reference to building, maintaining and financing State designated roads; declaring the policy of the State with reference to financing the construction of county lateral roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties and obligations of said board; allocating revenue obtained from the occupation tax on the business of selling gasoline; creating a County and Road District Highway Fund and a Lateral Road Account, designating the money to be placed in said funds, and prescribing the manner and purposes for which such funds shall be expended; authorizing the payment out of the County and Road District Highway Fund of certain bonds and warrants issued by the counties where the proceeds of such bonds and warrants were used in the construction of roads comprising the State System of Highways; providing for the allocation of funds credited to the Lateral Road Account, to the several counties; prescribing the duties of Commissioners Courts in expending Lateral Road Funds; providing for refunding certain county obligations and bonds; providing for the disposition of sinking funds on county bonds issued to build State designated highways; making an appropriation for the next biennium of monies coming into the County and Road District Highway Fund; providing for the transfer of certain moneys from the County and Road District Highway Fund to the State Highway Fund and making an appropriation thereof; providing for the handling of County Sinking Funds accumulated from the payment of certain road bonds and warrants; providing for the payment of certain Navigation District Bonds; making it a felony for any County Judge or County Commissioner to expend money coming from the Lateral Road Account contrary to the provisions of this Act and prescribing a penalty; providing that if any section of this Act is unconstitutional, other portions of this Act shall not be affected thereby; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Gilmer, Mr. Spangler and Mr. Bruhl:

H. B. No. 33, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Civil Statutes of 1925, as amended by Act of the 45th Legislature at its Regular Session, page 484, Chapter 246, and providing for changing and prescribing terms and time of holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of the court in the several counties as herein fixed; validating the summoning of Grand and Petit jurors under the present law so as to render them available under this Act; repealing all laws and parts of laws in conflict herewith; and providing the time for this Act to take effect; and declaring an emergency.'

Referred to the Committee on Judicial Districts.

By Mr. Allison and Mr. Cato:

H. B. No. 34, A bill to be entitled "An Act granting permission to W. F. Masterson, and wife, Dora Masterson, to file and prosecute suit against the State of Texas and the State Highway Commission to ascertain and fix the amount, if any due said W. F. Masterson and wife, Dora Masterson, for damages and compensation sustained by them by reason of the State of Texas and the State Highway Department bringing suit and compelling them to take up and remove the concrete sidewalk, pillars and awning and underground tanks and pipe lines and gasoline pumps from the 10 foot sidewalk abutting Addition to the Town of Cresson, County and Road District Highway

Texas, and the compensation, if any, to which said W. F. Masterson and wife, Dora Masterson, may be entitled by reason of the State of Texas and the State Highway Department compelling them to remove their said improvements from the sidewalk along Logan Street in Cresson, Texas, and permitting the rendition of judgment for such damages and compensation, if any, as may be ascertained by such suit; that such suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between ordinary persons or corporations, citizens of the State of Texas; providing for a right of appeal by either party; providing for the services of citation on the State and the State Highway Commission; providing that such suit may be by original suit or by amendment and cross action in Cause No. 4161 in the District Court of Hood County, Texas, now pending, styled Hood County, the State of Texas intervener, vs. W. F. Masterson, et ux; providing the time in which such suit may be brought; providing that the State of Texas and State Highway Commission may plead any defense available to it, except the statute of limitation; and permitting the rendition of judgment for such damages and compensation, if any, as may be ascertained by such suit, that partial invalidity hereof does not invalidate this whole bill and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Burnaman:

H. B. No. 35, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-Second Legislature, as amended; declaring the policy of the State with reference to financing the construction of county lateral roads; creating a Lateral Road Account, designating the money to be placed in said fund, and prescribing the manner and purposes for which such funds shall be expended; prescribing the duties of Commissioners Courts in expending Lateral Road Funds; maktheir property, lots 17 and 18 in ing an appropriation for the next biblock 7 in the G. C. & S. F. R.R. Co. ennium of monies coming into the

Fund; making it a felony for any County Judge or County Commissioner to expend money coming from the Lateral Road Account contrary to the provisions of this Act and prescribing a penalty; fixing venue therefor; providing that if any section of this Act is unconstitutional, other portions of this Act shall not be affected thereby; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. McMurry, and Mr. Donald:

H. B. No. 36, A bill to be entitled "An Act to reorganize the Thirtieth, Ninetieth, and Ninety-seventh Judicial Districts of the State of Texas; providing for holding the District Courts and terms in said Judicial Districts respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of District Courts in the counties composing said districts, together with jurors heretofore selected, are valid and returnable to the first term of such Court after this Act takes effect; providing that the County Attorneys of the respective counties within said Ninety-seventh Judicial District shall perform the duties of District Attorneys in their counties as well as the duties now performed by them, and providing fees of office for such County Attorneys; providing for the jurisdiction of said District Courts, and providing for the continuation of the existing District Courts in said counties in session when this Act takes effect to the end of their terms; providing the effective date of the Act; repealing all conflicting laws; and declaring an emergency."

Referred to the Committee on Judicial Districts.

## By Mr. Hughes:

H. B. No. 37, A bill to be entitled "An Act to regulate the sale of insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing penalties for its violation, declaring an emergency, and for other purposes."

Referred to the Committee on State Affairs.

By Mr. Alsup:

H. B. No. 38, A bill to be entitled "An Act to amend subsection (14) of Section 2 of S. B. No. 423, Acts of the 47th Legislature; to amend subsection (5) of the General Provisions, House Bill No. 272, Acts of the 47th Legislature; and to amend Section 3 of S. B. No. 402, Acts of the 47th Legislature, by adding thereto a new section to be known as Section 3a, to follow Section 3; repealing any provision in S. B. No. 423, H. B. No. 272, or S. B. No. 402 in conflict herewith; and declaring an emergency."

Referred to the Committee on Appropriations.

PROCEEDINGS OF INAUGURATION OF GOVERNOR COKE R. STE-VENSON ORDERED PRINT-ED IN JOURNAL

On motion of Mr. Isaacks the proceedings of the inauguration of Governor Coke R. Stevenson as Governor, held on August 8, was ordered printed in the Journal and the address of Governor Stevenson on that date was ordered printed in the Journal.

## SPECIAL ORDER SET

Mr. Lehman moved that House Bill No. 6 be set for special order at 11:00 o'clock a.m., today.

The motion prevailed by the following vote:

# Yeas—95

Allison Craig Alsup Crossley Avant Crosthwait Bailey Daniel Davis Baker **Benton** Deen Blankenship Donald Brawner Dove Bray Duckett Brown Eubank Bundy Evans Burkett Favors Burnaman Ferguson Cato Files Celaya Fitzgerald Chambers Fuchs Coker Gandy Garland Connelly

Green Manning Hanna Markle Hargis Matthews Harris of Dallas Mills Harris of Hill Morgan Henderson Morris Hileman Murray Hobbs Pace Howington Parker Huddleston Pevehouse Hughes Phillips Humphrey Price Hutchinson Rampy Isaacks Reed of Bowie Jones Reed of Dallas Kelly Rhodes Kennedy Roberts Klingeman Sallas Knight Senterfitt Sharpe Lansberry Lehman Simpson Lock Spacek Lucas Stubbs Thornton McCann Vale McDonald Walters McGlasson McLellan Wattner Weatherford McMurry McNamara Whitesides Manford

## Nays-33

Bean Love Bell Lowry Boone Lyle Bridgers McAlister Bullock Montgomery Carrington Morse Clark Ridgeway Dwyer Smith of Bastrop Ellis Smith of Atascosa Gilmer Spangler Halsey Stanford Hartzog Stinson Hoyo Voigt Huffman White Kinard Williamson Leyendecker Winfree Little

## Absent

Cleveland Kersey
Dickson of Nolan Martin
Helpinstill Moore
Howard Shell

# Absent-Excused

Allen Carlton
Bruhl Colson, Mrs.

Dickson of Bexar Nicholson
Goodman King
Hardeman Roark
Heflin Taylor

# RELATIVE TO HOUSE BILL NO. 25

On motion of Mr. Bean and by unanimous consent of the House, House Bill No. 25 was amended so as to include an emergency clause.

# MEMORIALIZING CONGRESS IN REGARD TO SOCIAL SECURITY ACT

Mr. McNamara offered the following resolution:

H. C. R. No. 8, Memorializing Congress in regard to Federal Social Security Act.

Whereas, The 76th Congress of the United States has amended the Federal Social Security Act to read as follows:

"Section 2 (a) 5. A State plan for Old Age Assistance must provide such methods of administration, including after January 1, 1940, methods relating to the establishment, and maintenance of personnel standards on a merit basis, as are found by the Board to be necessary for the proper and efficient operation of the plan"; and

Whereas, As a result of such an amendment to the Federal Social Security Act of 1939, the Federal Social Security Board has promulgated requirements and regulations demanding that the State of Texas maintain a merit system council to be established in this State for the purpose of giving examinations and selecting persons to be employed by the Department of Public Welfare; and

Whereas, The Social Security Board has threatened to discontinue the matching of State Old Age Assistance Funds with Federal Funds, unless the State Department of Public Welfare obeys the Social Security Board by participating in the merit system plan for the selection and recruitment of employees; and

Whereas, The Social Security Board has set certain minimum requirements to be met by applicants for positions of workers as follows:

Two years of college work or the equivalent of two years of Social Welfare work; and

Whereas, Such arbitrary and uncalled for requirements will deprive many worthy and capable citizens of Texas from applying and securing employment as workers and other positions in the Department of Public Welfare; and

Whereas, The Old Age Assistance Program has been in operation in Texas since February, 1936, and the Federal Government has at all times in that period supplemented state funds for the payment of Old Age Assistance grants; and

Whereas, The Legislature of Texas desires to go on record as still believing in the principle of state rights and still believing in its ability to manage its affairs and believing in its sovereignty, therefore stringently objects against any and all such requirements by the Social Security Board; and

Whereas, Such acts and requirements by the Social Security Board is a reflection on the integrity, intelligence, and ability of the citizens of Texas, and denies them the right to apply and secure employment in said Department of Public Welfare; and

Whereas, Such requirements of the Social Security Board are an attempt to create and perpetuate a bureau of professional social workers, which is not in accord with the wishes of the great majority of the people of Texas; and

Whereas, The Congress and the Social Security Board should not impose such harsh and arbitrary minimum personnel standards upon applicants for positions in the State Department of Public Welfare, because the State of Texas contributes onehalf of all the funds paid out by the Department of Public Welfare, and although it is admitted that the Federal Government meets the amount of one-half of said money expended, that amount is more than supplemented and taken from Texas by the payment of taxes by Texas citizens; and

Whereas, Such action by the Con- mission to sue the State.

gress and Federal Social Security Board is a rank reflection upon the people of Texas and infringes upon their sovereign rights; and therefore be it

Resolved, That this, the 1st Called Session of the 47th Legislature, go on record as requesting the Congress of the United States to rescind from the above referred amendment to the Federal Social Security Act, and to immediately repeal such law, and to permit the State of Texas to in all things, manage and control its own departments, and to set their own standards by which Texas governmental agencies shall employ Texas people; and be it further

Resolved, That copies of this resolution be sent to each member of the Congress of the United States from Texas.

McNAMARA. SIMPSON, HENDERSON, DAVIS, EVANS, BURKETT, HOWINGTON, McGLASSON, DOVE, GREEN, RHODES. FUCHS. LUCAS, PACE. BRAWNER. MILLS, LEYENDECKER. STUBBS. McCANN, McLELLAN, SENTERFITT, JONES, BAILEY, HARRIS of Hill, HARGIS. MORGAN.

The resolution was read second time and was adopted.

# TO GRANT PERMISSION TO SUE THE STATE

Mr. Crosthwait offered the following resolution:

H. C. R. No. 9, To grant Harper Standard Engraving Company permission to sue the State.

Whereas, It is alleged that on or about the first day of April, 1941, one Sam Barnett, acting for and in behalf of the Texas Prison System and the Texas Prison Board, contracted with the Harper Standard Engraving Company of Dallas, Texas, for certain art work, photo-engraving work, and other incidental work on the illustrations in the Souvenir Rodeo Program Book, entitled "Thirty Minutes Behind the Walls";

Whereas, The Harper Standard Engraving Company complied with its contract and delivered the engraving, art work, etc., to the Texas Prison System between April 5 and April 11, 1941, which works and engraving were accepted by the Texas Prison System; and

Whereas, The Texas Prison System has failed and refused to make any payment for these products, in violation of its contract, which amount alleged to be due is the sum of Five Hundred and Seventy-nine Dollars and Seventeen Cents (\$579.17), for the art work, typesetting, photo-engraving, and photoretouching for the Souvenir Rodeo Program Book, aforesaid; and

Whereas, It is alleged that the said Harper Standard Company, Dallas, Texas, has not been compensated by the State of Texas nor the Texas Prison System, and that it has been damaged in the sum aforesaid; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Harper Standard Engraving Company be and it is hereby granted permission to bring suit against the State of Texas, and/or the Texas Prison System, and/or the Texas Prison Board, in any court of competent jurisdiction in Dallas County, Texas, in order to ascertain, fix, and award the amount of money, if any, that the said Harper Standard Engraving Company is entitled to receive as compensation by reason of its contract aforesaid, and that in case such suit be filed that service of citation, or other necessary process, shall be had upon the Attorney General of this State, or waived by him, and that the same shall have the same force and effect as made and Hanna, Hardeman, Hargis, Harris of

provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

# EXPRESSING SYMPATHY OF HOUSE TO HON. NEVEILLE COLSON

Mr. Lock offered the following resolution:

H. S. R. No. 16, Expressing sympathy of the House to Hon. Neveille Colson.

Whereas, Our charming and capable Member, Mrs. Neveille Colson, is now ill and in Seton Hospital in Austin; and

Whereas, The House of Representatives misses this distinguished lady; now therefore, be it

Resolved by the House of Representatives, That we hereby wish for her a speedy recovery; and be it further

Resolved, That the Chief Clerk of the House is hereby instructed to send flowers to the bedside of this Member, and that she be sent a copy of this resolution.

> LOCK. FERGUSON. LEHMAN, AVANT. DANIEL HUTCHINSON, DEEN, CHAMBERS, LITTLE, ALSUP.

The resolution was read second time.

Signed-Leonard, Speaker; Allen, Allison, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Braw-ner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Clark, Cleveland, Coker, Connelly, Craig, Crossley, Crosthwait, Davis, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Green, Halsey,

Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Leyen-decker, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, Mc-Glasson, McLellan, McMurry, Mc-Namara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Bastrop, Smith of Atascosa, Spacek Spangler, Stanford, Stinson Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides, Williamson, Winfree.

On motion of Mr. Cato, the names of all the Members of the House were added to the resolution as signer thereof.

The resolution was unanimously adopted.

# ADDITIONAL SIGNERS OF HOUSE BILL

By unanimous consent of the House, the following members were authorized to sign bill as co-authors of same, as follows:

Mr. Spangler and Mr. Bruhl, House Bill No. 33.

(Mr. Harris of Dallas in the Chair.)

## HOUSE BILL NO. 28 ON SECOND READING

(By unanimous consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 28, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than six thousand two hundred (6,200) and not more than six thousand two hundred and fifty (6,250), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for Connel Crossle Crosthy Davis Deen Donald Dove Commissioner certain expenses for Ellis

traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county, to be paid out of the Road and Bridge Fund of the respective Commissioner's precinct; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 28 ON THIRD READING

Mr. Clark moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas-116

Allison Eubank Evans Alsup Avant Ferguson Bailey Files Baker Fitzgerald Bean Fuchs Bell Gandy Benton Garland Blankenship Green Boone Halsey Bray Hargis Brown Harris of Hill Bullock Hartzog Bundy Hileman Burkett Hobbs Burnaman Howard Cato Howington Celaya Ноуо Huddleston Chambers Clark Huffman Cleveland Hughes Coker Humphrey Connelly Hutchinson Crossley Isaacks Crosthwait Jones Davis Kelly Kennedy Deen Kersey Klingeman Knight Lansberry

Lehman Rampy Reed of Bowie Levendecker Reed of Dallas Little Lock Rhodes Ridgeway Love Lucas Roberts McAlister Sallas Senterfitt McCann McDonald Sharpe Shell McMurry McNamara Simpson Smith of Bastrop Manford Smith of Atascosa Manning Markle Spacek Spangler Martin Stanford Matthews Mills Stinson Montgomery Thornton Moore Vale Morris Voigt Morse Walters Murray Wattner Weatherford Pace Parker White Whitesides Pevehouse Phillips. Williamson Price Winfree

## Present—Not Voting

Craig Favors McLellan

## Absent

Brawner Helpinstill Bridgers Henderson Carrington Kinard Daniel Lowry Dickson of Nolan Lyle Duckett McGlasson Gilmer Morgan Hanna Stubbs

## Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton King
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman Taylor

The Chair then laid House Bill No. 28 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

# Yeas-114

Allison Bailey
Alsup Baker
Avant Bell

Benton Lansberry Blankenship Lehman Boone Levendecker Brawner Little Brav Lock Bridgers Love Brown Lucas McAlister Bullock Burkett McCann Burnaman McDonald McGlasson Carrington McMurry Cato Chambers McNamara Clark Manford Cleveland Manning Coker Markle Connelly Martin Crossley Matthews Crosthwait Mills Montgomery Davis Moore Deen Donald Morris Dove Morse Duckett Murray Dwyer Pace Ellis Parker Pevehouse Eubank Evans **Phillips** Price Ferguson Files Rampy Fitzgerald Reed of Bowie Fuchs Reed of Dallas Gandy Rhodes Garland Ridgeway Halsey Roberts Hargis Sallas Harris of Hill Senterfitt Hartzog Sharpe Hileman Simpson Hobbs Smith of Bastrop Howard Smith of Atascosa Howington Spacek Hovo Spangler Huddleston Stanford Huffman Thornton Hughes Vale Humphrey Voigt Hutchinson Wattner Jones Walters Weatherford Kelly Kennedy White Kersey Whitesides Klingeman Williamson Knight Winfree

# Present-Not Voting

Craig McLellan Favors Stinson

## Absent

Bean Celaya Bundy Daniel

Dickson of Nolan	Kinard	•
Gilmer	Lowry	
Green	Lyle	
Hanna	Morgan	
Helpinstill	Shell	
Henderson	Stubbs	
Isaacks		

# Absent-Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	King
Colson, Mrs.	Nicholson
Dickson of Bexar	Roark
Goodman	Taylor

# HOUSE BILL NO. 30 ON SECOND READING

Mr. Spacek moved that the Constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 30 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas-116

Allison	Eubank
Alsup	Evans
Avant	Ferguson
Bailey	Files
Baker	Fitzgerald
Bean	Fuchs
Bell	Gandy
Benton	Garland
Blankenship	Green
Boone	Halsey
Bray	Hargis
Brown	Harris of Hill
Bullock	Hartzog
Bundy	Hileman
Burkett	Hobbs
Burnaman	Howard
Cato	Howington
Celaya	Hoyo
Chambers	Huddleston
Clark	Huffman
Cleveland	Hughes
Coker	Humphrey
Connelly	Hutchinson
Crossley	Isaacks
Crosthwait	Jones
Davis	Kelly
Deen	Kennedy
Donald	Kersey
Dove	Klingeman
Dwyer	Knight
Ellis	Lansberry

Lehman Rampy Reed of Bowie Leyendecker Little Reed of Dallas Lock Rhodes Love Ridgeway Lucas Roberts McAlister Sallas McCann Senterfitt McDonald Sharpe McMurry Shell McNamara Simpson Manford Smith of Bastrop Manning Smith of Atascosa Markle Spacek Spangler Martin Stanford Matthews Stinson Mills Thornton Montgomery Vale Moore Voigt Morris Walters Morse Wattner Murray Pace Weatherford Parker White Pevehouse Whitesides Williamson Phillips Winfree Price

# Present-Not Voting

Craig	McLellan
Favors	

# Absent

Brawner	Helpinstill
Bridgers	Henderson
Carrington	Kinard
Daniel	Lowry
Dickson of Nolan	Lyle
Duckett	McGlasson
Gilmer	Morgan
Hanna	Stubbs

## Absent-Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	King
Colson, Mrs.	Nicholson
Dickson of Bexar	Roark
Goodman	Taylor

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 30, A bill to be entitled "An Act to prohibit the taking of squirrels in Fayette County, Texas, during certain months of each year, providing for an exception when squirrels are found to be damaging crops, providing a penalty for vio-

lation of said Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

# HOUSE BILL NO. 30 ON THIRD READING

The Chair then laid House Bill No. 30 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas-114

Allison Howard Alsup Howington Avant Hoyo Bailey Huddleston Baker Huffman Hughes Bell Humphrey Benton Hutchinson Blankenship Jones Boone Kelly Brawner Kennedy Bray Kersey Bridgers Klingeman Brown Knight Bullock Lansberry Burkett Lehman Burnaman Leyendecker Carrington Little Cato Lock Chambers Love Clark Lucas Cleveland McAlister Coker McCann Connelly McDonald Crosslev Crosthwait McGlasson McMurry Davis McNamara Deen Manford Donald Manning Dove Markle Duckett Martin Dwyer Matthews Ellis Mills Eubank Montgomery Evans Moore Ferguson Morris Files Morse Fitzgerald Murray Fuchs Pace Gandy Parker Garland Pevehouse Halsey Phillips Hargis Harris of Hill Price Rampy Hartzog Reed of Bowie Hileman Hobbs Reed of Dallas Rhodes Stanford Ridgeway Thornton Vale Roberts Sallas Voigt Senterfitt Wattner Sharpe Walters Weatherford Simpson Smith of Bastrop White Smith of Atascosa Whitesides Williamson Spacek Winfree Spangler

## Present-Not Voting

Craig McLellan Favors Stinson

## Absent

Henderson Bean Isaacks Bundy Kinard Celaya Lowry Daniel Dickson of Nolan Lyle Morgan Gilmer Shell Green Stubbs Hanna Helpinstill

#### Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton King
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman Taylor

# HOUSE BILL NO. 31 ON SECOND READING

Mr. Spacek moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 31 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

### Yeas-116

Brown Allison Bullock Alsup Bundy Avant Burkett Bailey Burnaman Baker Cato Bean Celava Bell Benton Chambers Clark Blankenship Cleveland Boone Coker Bray

	•	
Connelly	McCann	
Crossley	McDonald	
Crosthwait	McMurry	
Davis	McNamara	
Deen	Manford	
Donald	Manning	
Dove	Markle	
Dwyer	Martin	
Ellis	Matthews	
Eubank	Mills	
Evans	Montgomery	
Ferguson	Moore	
Files	Morris	
Fitzgerald	Morse	
Fuchs	Murray	
Gandy	Pace	
Garland	Parker	
Green	Pevehouse	
Halsey	Phillips	
Hargis	Price	
Harris of Hill	Rampy	
Hartzog	Reed of Bowie	
Hileman	Reed of Dallas	
Hobbs	Rhodes	
Howard	Ridgeway	
Howington	Roberts	
Ноуо	Sallas	
Huddleston	Senterfitt	
Huffman	Sharpe	
Hughes	Shell	
Humphrey	Simpson	
Hutchinson	Smith of Bastrop	
Isaacks	Smith of Atascosa	
Jones	Spacek	
Kelly	Spangler	
Kennedy	Stanford	
Kersey	Stinson	
Klinge <b>man</b>	Thornton	
Knight	Vale	
Lansberry	Voigt	
Lehman	Walters	
Leyendeck <b>er</b>	Wattner	
Little	Weatherford	
Lock	White	
	Whitesides	
Lucas	Williamson	
McAlister	Winfree	
Present-Not Voting		
Craig	McLellan	
Ulais Waxara	1/1 014011(44	

Absent

Helpinstill

Henderson

McGlasson

Morgan

Stubbs

Cleveland

Connelly

Crossley Crosthwait

Coker

Davis

Kinard

Lowry

Favors

Brawner Bridgers

Daniel

Duckett

Gilmer

Hanna

Carrington

Dickson of Nolan Lyle

J	JOURNAL 95			
1	Absent—Excused	_		
	Allen Hardeman Bruhl Heflin Carlton King Colson, Mrs. Nicholson Dickson of Bexar Roark Goodman Taylor			
	The Chair then laid before the House, on its second reading and passage to engrossment,			
	H. B. No. 31, A bill to be entitled "An Act providing for a closed season or a period of time when it shall be unlawful to take bullfrogs from any portion of Fayette County Texas; providing for a penalty for violation of said Act; and declaring an emergency."			
	The bill was read second time at was passed to engrossment.	nd		
	HOUSE BILL NO. 31 ON THIRD READING			
	The Chair then laid House B No. 31 before the House on thi reading and final passage.			
	The bill was read third time a was passed by the following vote:			
	Yeas-114			
	Allison Deen Alsup Donald Avant Dove Bailey Duckett Baker Dwyer Bell Ellis Benton Eubank Blankenship Evans Boone Ferguson Brawner Files Bray Fitzgerald Bridgers Fuchs Brown Gandy Bullock Garland Burkett Halsey Burnaman Hargis Carrington Harris of Hill Cato Hartzog			
	Chambers Hileman Clark Hobbs Clayeland Howard			

Howard Howington

Huffman

Hughes

Hoyo Huddleston Humphrey Murray Hutchinson Pace Jones Parker Kelly Pevehouse Kennedy Phillips Kersev Price Klingeman Rampy Knight Reed of Bowie Lansberry Lehman Rhodes

Lansberry Reed of Bowle
Lansberry Reed of Dallas
Lehman Rhodes
Leyendecker Ridgeway
Little Roberts
Lock Sallas
Love Senterfitt
Lucas Sharpe
McAlister Simpson
McCann Smith of Bastrop

McCann McDonald Smith of Atascosa McGlasson Spacek McMurry Spangler McNamara. Stanford Manford Thornton Manning Vale Markle Voigt Martin Wattner Matthews Walters Mills Weatherford

Montgomery White
Moore Whitesides
Morris Williamson
Morse Winfree

## Present-Not Voting

Craig McLellan Favors Stinson

## Absent

Bean Henderson Bundy Isaacks Celaya Kinard Daniel Lowry Dickson of Nolan Lyle Gilmer Morgan Green Shell Hanna Stubbs Helpinstill

# Absent—Excused

Allen Hardeman
Bruhl Heflin
Carlton King
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman Taylor

# HOUSE BILL NO. 33 ON SECOND READING

Mr. Gilmer moved that the Constitutional Rule requiring bills to be Huffman read on three several days be sus-

pended and that House Bill No. 33 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—117

Allison Humphrey Alsup Hutchinson Avant Isaacks Jones Bailey Baker Kelly Kennedy Bean Kersey Bell Klingeman Benton Blankenship Knight Boone Lansberry Bray Lehman Brown Leyendecker Bullock Little Bundy Lock Burkett Love Burnaman Lucas McAlister Cato Celava McCann Chambers McDonald Clark McMurry Cleveland McNamara Manford Coker Connelly Manning Crossley Markle Crosthwait Martin Matthews Davis Mills Deen Montgomery Donald Dove Moore

Dwyer Morris Ellis Morse Eubank Murray Evans Pace Ferguson Parker Pevehouse Files Fitzgerald **Phillips** Fuchs Price Rampy Gandy Reed of Bowie Garland

Reed of Dallas Gilmer Rhodes Green Ridgeway Halsey Hargis Roberts Harris of Hill Sallas Senterfitt Hartzog Hileman Sharpe Hobbs Shell

Howard Simpson
Howington Smith of Bastrop
Hoyo Smith of Atascosa

Huddleston Spacek
Huffman Spangler
Hughes Stanford

Weatherford Stinson Thornton White Whitesides Vale Voigt Williamson Walters Winfree

Present-Not Voting

Craig Favors

Wattner

McLellan

## Absent

Henderson Brawner Kinard Bridgers Carrington Lowry Daniel Lyle Dickson of Nolan McGlasson Morgan Duckett Stubbs Hanna Helpinstill

### Absent-Excused

Allen Hardeman Bruhl Heflin Carlton King Colson, Mrs. Nicholson Dickson of Bexar Roark Goodman Taylor

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the 45th Legislature at its regular session, page 484, Chapter 246, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; validating the summoning of Grand and Petit jurors under the present law so as to render them available under this Act: repealing all laws and parts of laws in conflict herewith; and providing the time for this Act to take effect; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 33 ON THIRD READING

The Chair then laid House Bill No. 33 before the House on third Kelly reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas-115

Allison Kersey Alsup Klingeman Avant Knight Bailey Lansberry Baker Lehman Bell Levendecker Benton Little Blankenship Lock Boone Love Brawner Lucas McAlister Bray McCann Bridgers Brown McDonald Bullock McGlasson Burkett McMurry Burnaman McNamara Carrington Manford Cato Manning Markle Chambers Martin Clark Matthews Cleveland Mills Coker Montgomery Connelly Moore Crossley Morris Crosthwait Davis

Morse Murray Deen Pace Donald Parker Dove Duckett Pevehouse Dwyer **Phillips** Ellis Price Rampy' Eubank

Reed of Bowie Evans Ferguson Reed of Dallas Rhodes Files Ridgeway Fitzgerald

Fuchs Roberts Gandy Sallas Senterfitt Garland Sharpe Gilmer Simpson Halsey

Hartzog

Kennedy

Smith of Bastrop Hargis Smith of Atascosa Harris of Hill

Spacek

Spangler Hileman Stanford Hobbs Howard Thornton Howington Vale Voigt Hoyo Huddleston Walters Huffman Wattner Weatherford Hughes Humphrey White Whitesides Hutchinson Williamson Jones Winfree

Carlton Colson, Mrs.

<i>3</i> 6	HOUSE J	OURNAL	Sept. 15, 1541
Present-	-Not Voting	Evans	Manford
. •		Ferguson	Manning
Craig	McLellan	Files	Markle
Favors	Stinson	Fitzgerald	Martin
A 1-	sent	Fuchs	Matthews
AL	Sent	Gandy	Mills
Bean	Henderson	Gilmer	Montgomery
Bundy	Isaacks	Garland	Moore
Celaya	Kinard	Halsey .	Morgan
Daniel	Lowry	Hargis	Morris
Dickson of Nolan	· ·	Harris of Hill	Morse
Green	Morgan	Hartzog	Murray
Hanna	Shell	Henderson	Pace .
Helpinstill	Stubbs	Hileman	Pevehouse
_		Hobbs	Phillips
Absent-	—Excused	Howard	Price
4.11.0-	Hundomon	Howington	Reed of Bowie
Allen	Hardeman Heflin	Hoyo	Reed of Dallas
Bruhl		Huddleston	Rhodes
Carlton	King Nicholson	Huffman	Ridgeway
Colson, Mrs.		Hughes	Roberts
Dickson of Bexar	Taylor	Humphrey	Sallas
Goodman	laylor	Hutchi <b>nson</b>	Senterfitt
TO GRANT F	PERMISSION TO	Isaacks	Sharpe
	IE STATE	Jones	Shell
SUE II	ie sirie	Kelly	Simpson
The Chair laid	before the House,	Kennedy	Smith of Bastrop
for consideration	at this time, the	Kersey	Smith of Atascosa
following resolut		Klingeman	Spacek
		Knight	Stinson
H. C. R. No.	9, To grant Harper	Lansberry	Thornton
	ving Company per-	Lehman	Voigt
mission to sue t	he State.	Leyendecker	Walters
The recolution	having heretofore	Lock	Wattner
hoon read second	time and referred	Love	Weatherford
to the Committee	on State Affairs.	Lucas	White
		McDonald	Whitesides
	e on State Affairs	McGlasson	Williamson
having recommen	ided the adoption of	McMurry	Winfree
the resolution.		McNamara	
The resolution	was then adopted	Present-	-Not Voting
by the following		Q=-1	Morallan
<b>2,</b> 1110 2-214 = 8		Craig	McLellan
Yea	s111	Favors	Rampy
4 11i	Consington	AI	osent
Allison	Carrington Cato	}	
Alsup	Chambers	Bean	Little
Avant		Brawner	Lowry
Bailey	Clark Cleveland	Celaya	Lyle
Baker	Coker	Deen	McAlister
Bell		Dickson of Nolan	
Benton Blankanshin	Connelly Crossley	Dwyer	Parker
Blankenship	Crossley	Green	Spangler
Boone	Crosthwait	Hanna	Stanford
Bray	Daniel Davis	Helpinstill	Stubbs
Bridgers	Davis Danald	Kinard	Vale
Brown Bullock	Donald Dona		Dyonaad
Bullock Bundy	Dove Duckett	Absent-	Excused
~ V		-	

Allen

Bruhl

Duckett

Eubank

Ellis

Bundy

Burkett

Burnaman

Dickson of Bexar King Goodman Nicholson Hardeman Roark Taylor Heflin

(Speaker in the Chair.)

## HOUSE BILL NO. 6 ON SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act making an appropriation for the biennium beginning September 1, 1941, and ending August 31, 1943, of monies coming into the County and Road District Highway Fund, and all monies on hand remaining therein from the previous year to carry out the provisions of Chapter 13, General Laws, 42nd Legislature, Third Called Session, as amended, and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 6 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as heretofore amended, be amended so as to be and read as follows:

'Section 1. It is expressly recognized and declared that all highways now or heretofore constituting a part of the system of State Highways which have been constructed in whole or in part from the proceeds of bonds, warrants, or other evidence of indebtedness issued by counties of the State of Texas, or by defined road districts of the State of Texas, under the laws authorizing the same, have been and are and will continue to be beneficial to the State of Texas at large, and have contributed to the general welfare, settlement and the development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed. and still rests, upon the counties and defined road districts and their in- fined road districts' or 'road districts' habitants, and both a legal and moral or 'district' used in this Act, is meant obligation rests upon the State to any defined road district of the State compensate and reimburse such coun-tor any Justice or Commissioners

ties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses, all for the use and benefit of the State.

"Having heretofore, by an Act of the Legislature (Chapter 13, Acts of the Third Called Session of the Forty-second Legislature in 1932) taken over, acquired and purchased the interest and equities of the various counties and defined road districts in and to the highways constituting a part of the system of then designated State Highways, it is further declared to be the policy of the State to take over, acquire, purchase and retain, the interest and equities of the various counties and defined road districts in and to the highways not previously taken over, acquired and purchased and constituting on January 2, 1939, a part of the system of designated State Highways, and to provide for the acquisition, establishment, construction, extension and development of the system of designated State Highways of Texas, from some source of income other than the revenues derived from ad valorem taxes, it being expressly provided herein that the State is not assuming, and has not assumed, any obligation for the construction, extension and development of any of the highways thus acquired and purchased which do not constitute a part of the system of designated State Highways. And it is hereby determined that the further provisions of this Act constitute fair, just and equitable compensation, repayment and reimbursement to said counties and defined districts and for their aid and assistance to the State in the construction of State Highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State, and fully discharge the State's legally implied obligation to such counties and defined road districts.

"Sec. 2. By the expression 'de-

Precinct acting as a road district or any road district located in one or more than one county.

"By the expression 'roads' 'road' as used in this Act, is meant roads, road beds, bridges and culverts.

"By the expression 'highways,' 'State Highways' and 'State designated Highways' are meant roads which prior to January 2, 1939, had become a part of the system of designated State Highways, including roads still constituting a part of such system on said date and those which theretofore constituted a part of such system, but whose status had been lost through change, relocation or abandonment and including roads concerning which the State Highway Commission had prior to January 2, 1939, indicated its intention to designate, evidencing such intention in the official records or files.

"The term 'Board' as used in this Act, when the contrary is not clearly indicated, shall mean the 'Board of County and District Road Indebtedness.

"The term 'fund' as used in this Act, when the contrary is not clearly indicated, shall mean the 'County and Road District Highway Fund.'

The expression 'eligible obligations' as used in this Act shall mean obligations, the proceeds of which were actually expended on State designated Highways.

"Sec. 3. All further improvement of said State Highway System shall be made under the exclusive and direct control of the State Highway Department and with appropriations made by the Legislature out of the State Highway Fund. Surveys, plans and specifications and estimates for all further construction and improvement of said System shall be made, prepared and paid for by the State Highway Department. No further improvement of said System shall be made with the aid or with any monies furnished by the counties except the acquisition of rights of way which may be furnished by the counties, their subdivisions or defined road districts. But this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the Commissioners Court of any county, for such coun- and be placed to the credit of a fund

ty, or for any defined road district. In the development of the System of State Highways and the maintenance thereof, the State Highway Commission shall from funds available to the State Highway Department, provide:

"(a) For the efficient maintenance of all highways comprising the State System.

"(b) For the construction, in cooperation with the Federal Government to the extent of Federal Aid to the State, of highways of durable type of the greatest public necessity.

"(c) For the construction of highways perfecting and extending a correlated system of State Highways, independently from State Funds.

"Sec. 4. All moneys now or hereafter deposited in the State Treasury to the credit of the 'State Highway Fund,' including all Federal Aid money deposited to the credit of said Fund under the term of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said System of State Highways by the State Highway Depart-

"Sec. 5. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the Forty-second Legislature shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of Forty-second Legislature the amended, and, beginning with said taxes collected on and after October 1, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One-fourth of such occupation or excise tax shall go to, and be placed to the credit of the Available Free School Fund; one-fourth of the same shall go to,

to be known as the 'County and Road District Highway Fund,' subject to the provisions and limitations of Section 3 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas.

"Sec. 6. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of this State, which mature on or after January 1, 1933, in so far as amounts of same were issued for and the proceeds have been actually expended in the construction of roads, that constituted and comprised a part of the by the county or defined road dissystem of designated State Highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways or any road that heretofore has constituted a part of said System and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligation originally issued or by refunding obligations or both, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund, subject to the provisions of this Act; provided, that such indebtedness the proceeds of which have been expended in the construction of roads, which have been designated as a part of the State Highway System after September 17, 1932, and prior to January 2, 1939, shall participate in said County and Road District Highway Fund as of the date of the designation of said road as a part of the State system; provided further that any participation in said fund by any county or defined road district shall be less the amount of money which it was required to accumulate in the sinking fund under the provisions of the statutes and order of the Commissioners Court authorizing the issue of said eligible obligations, and the tax levy authorized at the time of issuance thereof legal evidences of indebtedness outfor the time such obligations have standing as of the date of designarun or may have run regardless of tion of such road as a part of the

whether the full amount of said funds are, or may be, actually on hand and to the credit of the sinking funds of such county or defined road district. It is provided expressly in this connection that the term 'sinking funds' shall include only those funds required under the law for the retirement of principal and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further that no State funds created or provided for by the terms of this Act shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated trict at the date of eligibility of its obligations.

"In the event the State Highway Commission has, on a date prior to January 2, 1939, recorded a conditional designation and all conditions precedent to the official designation thereof have been met or performed in a manner satisfactory and acceptable to the Highway Commission, and the Highway Commission officially enters of record its acceptance and designation of such road as a part of the State Highway System for maintenance then the provisions of this Act shall apply as if the said roads had been actually designated prior to January 2, 1939.

"All bonds, warrants or other legal evidences of indebtedness outstanding as of the date of the designation hereinafter referred to, and issued by a county or defined road district prior to January 2, 1939, insofar as amounts of same were issued and the proceeds actually expended in the construction of roads that have been officially designated as a part of the State Highway System subsequent to January 2, 1939, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund as of the date of designation of said road as a part of the State Highway System. The amount of such bonds, warrants or other State Highway System shall be eligible for participation in the same manner as provided for other bonds under this Act."

"In addition to and regardless of the other provisions of this Act, all bonds, warrants or other evidences of indebtedness voted or issued without being voted by a county, road district, or defined road district prior to January 2, 1939, in so far as amounts of same were or may be issued and the proceeds actually expended in the construction of roads which are a part of the designated system of State Highways, or may thereafter have been designated as part of such system, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund the same as provided for other bonds under this Act and as of the date of the designation of said road as a part of the State System; and where such bonds, warrants, or other evidences of indebtedness were voted or issued prior to the designation of the road as a State Highway, the county, road district, or defined road district may issue and spend the proceeds on the construction of such road under contract and specifica-tions to be approved by the State Highway Department, and when so expended the bonds, warrants, or other evidences of indebtedness shall be eligible to participate in the County and Road District Highway Fund the same as if the bonds, warrants, or other evidences of indebtedness were issued and expended prior to January 2, 1939.

(b) The Board of County and District Road Indebtedness, created by Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, consisting of the State Highway Engineer. State Comptroller of Public Accounts, and State Treasurer, is hereby continued and charged with the duties of administering this The State Comptroller of Public Accounts shall be the Secretary of said Board and said Board shall elect its own chairman from its mem-The Board shall adopt its own rules consistent with this Act for the proceedings held thereunder, and shall have authority to call to its

participate in the County and Road District Highway Fund any official or employe of this State, and shall avail itself of all data and information assembled in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and said Board is hereby authorized to call on any County Judge or any County or State official or employee, and shall have full access to all the records, books, and public documents for the purpose of obtaining any information which it may deem necessary and pertinent to its inquiry in arriving at the amount of bonds, warrants, or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

"(c) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission and by the State Comptroller of Public Accounts, and from such further investigation as said Board may deem necessary to ascertain and determine the amount of indebtedness eligible under the provisions of this Section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof shall have been expended partly on designated State Highways, or highways heretofore constituting designated State Highways, partly on roads which never have been designated State Highways, said Board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State Highways or on roads heretofore constituting State Highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the County Judge by said Board and all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said paritcipation in said moneys. ascertainment and determination by assistance in arriving at the amount the Board of County and District of bonds, warrants, or other evi- Road Indebtedness, after reasonable dences of indebtedness eligible to notice and hearing, of the amount of

obligations eligible under the provisions of this Act to participate in any moneys coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually roads heretofore consituting State Highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

"(d) The Board shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates and principal and interest, rates of interest, and places of payment for each county and each defined road district; each issue and the date pertaining to same shall be listed separately. The Board shall keep a record of all vouchers issued.

"(e) The State Treasurer shall keep a separate account for each county and defined road disrtict of any moneys received for the credit of said county or defined road district pursuant to the provisions hereof.

"(f) A list shall be compiled by the Board of County and District Indebtedness showing amount ascertained and determined by it to be eligible indebtedness of each county and defined road district and a copy thereof shall be furnished to each County Judge in this State.

"(g) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal and sinking fund requirements on all eligible obligations for the next succeeding calendar year and shall estimate the sum which shall be applicable to the same, and shall, not later than August 1st of each year, give notice to the County Judge of each county of the estimated amount available application to said interest, fund principal, and sinking requirements. In amount so estimated to be ap-defined road district. plied to the payment of eligible ob- "In the event the amount of funds

any county or defined road district ligations for any county or defined road district is sufficient to meet all maturing interest, principal, and sinking fund requirements, the Commissioners Court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year expended on State Highways, or on for such interest, principal, or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing interest, principal, and sinking fund requirements, the County Commissioners Court shall collect from taxes on the property in said respective counties and defined road districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or defined road district and the owner or holder of the present outstandnig indebtedness of any county and/or defined road district, shall not be in any manner disturbed or impaired and shall remain inviolate. Any tax heretofore provided to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied, and collected as originally provided; however, the collection of said tax may, by order of the Commissioners Court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the County and Road District Highway Fund, as herein provided, and as succeeding Legislature shall, by appropriation make provisions therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer and shall be held by the State Treasurer as ex officio Treasurer of said county or defined road district for the benefit of the county or defined road district remitting the same, and be disbursed to meet the interest, principal, and sinking fund requirements on the the event the eligible obligations of said county or

available to be applied to meet the maturing interest, principal, and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the monies available in the County and Road District Highway Fund, as estimated and determined by the Board, shall be, for that calendar or fiscal year first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties or defined road districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements there on maturing each year.

"(h) On September 1st of each year after the Board has paid off and discharged all eligible obligations maturing during the preceding fiscal year, together with the interest on such obligations and the sinking fund requirements accruing thereon, out of the County and Road District Highway Fund, any surplus remaining in such Fund, shall be carried forward as working capital or as a revolving fund.

"(i) The County Commissioners Court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued shall be eligible obligations within the meaning of this Act, if said Board of County and District Road Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. In any instance where in the opinion of said Board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and both inclusive, are hereby appropri-Road District Highway Fund in any ated to said respective counties and

particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if said county or defined road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board, said obligations so required to be refunded, and all other obligations of said county or defined road district shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said Board with respect to refunding shall be complied with.

"The Board of County and District Road Indebtedness is hereby made the refunding agent of each county and as such agent is directed to cooperate with the Commissioners Court of each county in effecting the necessary refunding of each issue of bonds; the Board shall prepare the necessary refunding orders for the Commissioners Court, prepare the proceedings and act in an advisory and supervisory capacity to the end that the expense of refunding any issue of bonds may be reduced to the minimum. Provided that no commission, bonus, or premium shall be paid by any county or defined road district for the refunding of such obligations, and no County Treasurer shall receive any commission for handling of the funds derived from the refunding of such obligations. All actual expense incurred in the refunding of its eligible indebtedness, including cost of proceedings, printing, legal approval and interest adjustment, shall be chargeable against the money theretofore or thereafter collected from ad valorem taxes, or at the option of the Commissioners Court conducting such refunding, may be paid from any other money under its control and available for the purpose, provided no obligations for such expense items shall be incurred or paid without affirmative approval by said Board.

'(j) All moneys to be deposited to the credit of the County and Road District Highway Fund, from September 1, 1941, to August 31, 1943,

defined road districts and shall be received, held, used and applied by the State Treasurer, as ex officio Treasurer of said respective counties and defined road districts, for the purposes and uses more specifically set forth in this Act, including the payment of principal, interest and sinking fund requirements on all eligible obligations and maturing on and from September 1, 1941, to and including August 31, 1943, and each year thereafter until all of such eligible obligations are fully paid; and moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex officio Treasurer of such countles and defined road districts, and shall first be subject to the appropriation for the payment of interest, principal and sinking funds maturing from time to time on said eligible obligations.

"(k) As payment of principal and/or interest becomes due upon such eligible obligations, the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants or voucher claims shall show on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, by giving the name of the county or defined road district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paying agent, bank or trust company to return to the State comptroller of Public Accounts such obligations and interest coupons when same are paid, and the State Comptroller of Public Accounts shall, upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled. to the Commissioners Court of the appropriate county, a record of such cancellation. In in-

road districts therein shall have arranged with the Board to pay principal or interest thereon, of outstanding lateral road indebtedness, the Board, the State Comptroller of Public Accounts and the State Treasurer shall follow, insofar as practicable, the procedure prescribed in this sub-section (1) for the payment of the principal and interest of eligible obligations.

"(1) Expenses necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State, and in the discharge of the duties required for the payment of such obligations shall be paid from the County and Road District Highway Fund by warrant approved by the Chief Accountant, the State Comptroller of Public Accounts and one other member of said Board. The compensation of all employees of said Board shall be fixed by the Legislature. All employees of said Board of County and District Road Indebtedness shall be bonded, the amount of such bond being set by the Board.

"(m) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are invested, and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days of the acquisition of such fund or securities, to the State Treasurer as ex-officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations may also be remitted as above set forth, at the option of such county or defined road district. Any County, the Commissioners' Court of which fails or refuses to comply with the provisions of this Act in all things, including the levy, assessment, and collection of a tax and at a rate sufficient to pay all sums due or to become due, which the State is unable to pay or provide each year the proportionate amount of sinking fund required to redeem its outstanding which shall cause to be duly entered | bonds at their maturity shall not participate in any of the benefits of stances wherein counties or defined this Act so long as such county fails

or refuses to comply with the provisions thereof. The Board of County and District Road Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds acquired in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State, which mature within the current biennium in which such securities are purchased and where there is on hand a sufficient amount of moneys or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board of County and District Road Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision, irrespective of maturity dates. Provided further that any county which has selected a depository according to law and in which county such depository has qualified by giving surety bonds or by the deposit of adequate securities of the kind provided by law, which in the opinion of the Board of County and District Road Indebtedness is ample to cover the county deposits, and which county has not defaulted in the payment any installment of principal and/or interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law and which county has levied for the current tax years adequate rates in support of outstanding bond issues and warrants as required by the Constitution and Statutes of said State, shall be exempt from the provisions of this subsection (m) of this Act, and which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board of County and District Road Indebt-Said Board shall have the right to inspect the records of such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board, counties that have been granted exemption under the provisions of this Act shall cease to

ed, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues. Said counties whose exemption has been cancelled by said Board shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided further, that such county so exempt shall furnish the Board an annual statement of the condition of the sinking funds of the several eligible road bond issues, together with a financial statement of the county depository. The Board shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act.

"(n) The Board shall keep adequate minutes of its proceedings and semi-annually, within thirty (30) days after February 28 and August 31, of each year, shall make itemized reports to each county with respect to the receipts, disbursements and investment of the funds credited to such county. The Commissioners' Court of any county, and/or its accredited representatives shall have the right to inspect the records of said Board and of the State Treasurer, at any reasonable time for the purpose of making any investigation or audit of the accounts affecting its county.

"(o) The Board shall, within ninety (90) days after the close of each fiscal year, make a complete accounting for the preceding year to the Governor of this State, showing in such report its act, investments, changes in investments and sinking fund status of each county and each defined road district, and shall file copies of such report with the President of the Senate and with the Speaker of the House of Representatives.

ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board, counties that have been granted exemption under the provisions of this Act shall cease to comply with all the conditions under which the exemption has been grant-

longing to the several counties or defined road districts affected, and forthwith to return the same to the County Treasurer of the county entitled thereto, accompanied by an itemized statement of the account of the county or defined road district.

'(q) All funds on hand belonging to, and hereafter credited to, the several counties and defined road districts of the State, shall be considered State funds, and as such shall be deposited at intervals in the depositories provided for by the State laws, and all interest earned on such funds and on the securities in which the sinking funds are invested shall belong to said counties or defined road districts, and shall be credited to them by the State Treasurer as earned and collected.

"(r) Upon notice from the Board of the amount that such county or defined road district shall be required to pay toward any installment of interest, or maturing principal, the County Treasurer of such county shall, not later than twenty (20) days prior to the maturity date of such interest, principal, or sinking fund requirements, forward to the State Treasurer the amount fixed by the Board as being necessary to supplement the amounts previously county or defined road district by this Act.

"Sec. 7. All bonds heretofore issued by navigation districts of this State, which mature on or after January 1, 1933, and insofar as amounts of same were issued for and the proceeds thereof actually expended in the construction of bridges across any stream or streams or any other constituted and comprised a part of the system of designated State Highways on September 17, 1932, shall hereafter be included within and eligible under the provisions of Chapter 13 of the Acts of the Fortysecond Legislature of Texas, passed at its Third Called Session, as amended by the Act of the Fortythird Legislature of Texas, Regular Session, to the extent that the proceeds of the sale of said bonds shall have been actually expended in the construction of such bridges and in to enforce the appropriation of any such cases the outstanding bonds of of the moneys hereinabove provided

amount equal to the amount so expended by such navigation districts shall be redeemed under the same conditions as is provided by said Chapter 13, Acts of the Forty-second Legislature of Texas, Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, for the redemption of County and Road District Bonds.

'It is expressly provided that the Board of County and District Road Indebtedness shall not be authorized to give the bonds herein referred to preference over other similar bonds eligible under said Bond Act; and it is further expressly provided that Board in determining said amount of bonds eligible for assumption shall take into consideration the amount of the bond money expended for the construction of said bridge and the balance due on said amount of bonds used in the construction of said bridge at the effective date of this Act; and in no event shall said Board be authorized to assume in excess of the balance due on the bonds for the said bridge construction at the effective date of this Act.

"Sec. 8. No provision of this Act shall be construed to authorize the giving or lending of the credit of the State or any County or placed to the credit of any such District or the credit of the State in any manner whatever for the said Board under the provisions of payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible indebtedness, as herein defined, shall remain indebtedness of the respective counties or defined road districts which issued it, and said counties or defined road districts shall remain liable on said indebtedwaterways upon any highway that ness according to its terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas, directly or indirectly or contingently, for the payment of any such obligations or that the State of Texas should assume the payment of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders, of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights Navigation districts in an for. The provisions hereof are intended solely to compensate, repay, and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State Highways.

"Sec. 9. If succeeding Legislatures shall continue to carry out the policy herein defined by authorizing similar appropriation of funds from time to time, (a) then whenever the eligible obligations shall have been fully paid as herein provided as, to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title and possession of all roads, roadbeds, bridges, and culverts, in such county or defined road district which are included in the system of designated State Highways, shall automatically vest in fee simple in the State of Texas, in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right-of-way, or any part thereof, pertaining either to a State Highway or a lateral road, has been abandoned because of the abandonment of such road for all public purposes, and such right-of-way, or any part thereof, was donated by the owner of the land for right-of-way purposes, then and in that event the title to the said right-of-way shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State Highway, and if the Commission shall change or abandon any State Highway in any county, the Commissioners Court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission.

"Sec. 10. If any section, subsection, paragraph, sentence, clause, or provision of this Act, shall, for any reason, be held invalid, such invalidity shall not affect any other portion of this Act or the application of such section, subsection, paragraph, sentence, clause, or provision to any other person or situation, but this Act shall be construed and enforced as if such valid provisions had not been contained therein.

"Sec. 11. To supplement the regular biennial appropriation made in the departmental appropriation bill for the support and maintenance of the Board of County and District Road Indebtedness, and the Treasury Department, there is hereby appropriated out of the County and Road District Highway Fund not otherwise appropriated for the fiscal year ending August 31, 1942, the sum of Sixteen Thousand, Five Hundred Dollars (\$16,500.00) to be expended by said Board for additional employees and expenses.

"And to supplement the regular appropriation for the year ending August 31, 1943, there is appropriated out of the County and Road District Highway Fund, not otherwise appropriated, the sum of Fourteen Thousand Dollars (\$14,000.00) to be expended by said Board.

"Sec. 12. This Act shall be cumulative of all other valid laws on the subject, but in the event of a conflict between any provision of this Act and any other Act, the provisions of this Act shall prevail.

"Sec. 13. The fact that the present law governing the subject matter of this Act is inadequate creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in both Houses be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

ALSUP, LEHMAN, DAVIS, CATO.

Mr. Morris offered the following amendment to the amendment:

Amend amendment to H. B. No. 6 by striking out all of subsection (h) of Section 6 and inserting in lieu thereof the following:

"(h) On September 1st of each year after the Board has paid off and discharged all eligible obligations maturing during the preceding fiscal year, together with the interest on such obligations and the sinking fund requirements accruing thereon, out of the County and Road District Highway Fund, any surplus remaining in said fund over and above

Three Million Dollars, shall be set aside and credited by the State Treasurer to the respective funds hereinafter named as follows: One-half of said surplus shall be transferred to the State Highway Fund and one-half shall be credited to an account to be known as the "Lateral Road Account" to be distributed and expended as hereinafter provided.

"As soon as practicable after the passage of this Act and before the Lateral Road Account is allocated to the counties, the Board shall determine the amount each county and each defined road district has paid since January 1, 1933, under the provisions of Chapter 13, Acts of the Third Called Session of the Fortysecond Legislature, as amended, toward its debt service upon bonds which at the time of payment were eligible to participate in the County and Road District Highway Fund, and shall deduct from the amount paid by such county or defined road district any and all advancements made by the Board to such county or defined road district in adjusting, refunding or prepaying the eligible obligations of such county or defined road district, and after making such deductions, the Board shall credit the Lateral Road Account of each county or defined road district with the net balance contributed by such county or road district toward the retirement of said eligible obligations and said funds so credited to any county or defined road district may pe used or expended by the counties and defined road district for the purposes authorized in this section.

"Not later than September 15th of each year the said Board shall ascertain the exact amount of money which has been allocated to the said Lateral Road Account for such fiscal year and which at that time is available. The Board shall allocate to each county its proportionate part of the monies in said Lateral Road Account, which allocation shall be determined in the following manner:

- "(1) One-tenth of the money in said Account shall be allocated upon the basis of area, determined by the ratio of the area of the county to the total area of the State.
- "(2) Two-tenths of the monies said right of way obligations may be in said Account shall be allocated on used by the county, under the directhe basis of population according to

the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State.

- "(3) Three-tenths of the monies in said Account shall be allocated upon the basis of the number of motor vehicles registered during the last preceding registration year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State as shown by the official report of the State Highway Department.
- "(4) Four-tenths of the monies in said Account shall be allocated to the counties on the basis of lateral road mileage, determined by the ratio of the mileage of the lateral roads in the county to the total mileage of the lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department.

"If the records of the Highway Department and the State-Federal Highway Planning Survey are such that, in the opinion of the Highway Commission or of any county, there is a reasonable doubt as to their accuracy, the Highway Commission may authorize an independent survey to be made of that county's lateral road mileage upon its own motion or on the application of said county. The expense of such survey shall be borne by the county.

"The monies allocated to each county from the Lateral Road Account shall be used by said county first for paying the principal, interest and sinking fund requirements maturing during the fiscal year for which such money was allocated to such county on bonds, warrants and other legal obligations issued prior to January 2, 1939, the proceeds of which were actually expended in acquiring rights of way for State designated highways, it being the intention of the Legislature to designate and set apart sufficient money to pay off and discharge said outstanding obligations incurred for right of way acquisition. Funds remaining in the Lateral Road Fund of any county after the payment of said right of way obligations may be used by the county, under the direc-

any one of all of the following purposes: (a) for the acquisition of rights of way for county lateral roads and for the payment of legal obligations incurred therefor prior to January 2, 1939, (b) for the construction or improvements of county lateral roads, (c) for paying the principal, interest and sinking fund requirements of any bonds or warrants which were legally issued by such county or Road District prior to January 2, 1939, the proceeds of which were actually expended in the construction or improvement of lateral County roads, (d) for the purpose of supplementing funds appropriated by the United States Government for Works Progress Administration highway construction, Public Works Administration highway construction, and such other grants of Federal funds as may be made available to the counties of this State for county lateral road construction, and (e) for the purpose of cooperating with the State Highway Department and the Federal Government in the construction of farm-to-market roads.

"After such allocation has been made to the several counties in the State, the Board shall in writing notify the Chairman of the Commissioners Court of each county of the amount which has been credited to that county. After receiving said notice, the Commissioners Court shall within sixty days, notify the Board of the manner in which it has exercised its option as to the one or more specified uses of said money permitted under this Act.

"In the event the Commissioners Court of a county shall have elected to use all or any part of the money thus allocated to said county for the purpose of paying principal and interest or sinking fund requirements of its indebtedness for lateral roads, such money shall be applied pro rata to the payment of the debt service requirements of all issues of lateral road indebtedness of the county and all included defined road districts, in the proportion that the debt service requirements of each issue bears to the aggregate debt service requirements of all issues for that year. When any issue of obligations which will receive aid under this section is already listed with the Board of ness, the Board shall credit the amount applicable to said issue to the account of said issue in the State Treasury. As to all other issues of obligations, which will receive aid under this subsection (h), the Commissioners Courts of the specific counties affected shall have the right if so desired to utilize the facilities of the State Board of County and District Road Indebtedness in paying the amounts of principal and interest on said issues substantially in the manner that payments are effected as to such eligible obligations.

"In the event the Commissioners Court of a county elects to use the money allocated to it from the Lateral Road Account for the construction of lateral roads it shall notify, in writing, the said Board of its election to make such use of said money. Whereupon, said Board shall remit said money, or the part thereof to be utilized for such purpose, to the County Treasurer of such county, said money to be deposited by the County Treasurer in accordance with the law, and the same shall be utilized by the county, acting through the Commissioners Court, for the construction of lateral roads. Each county may call upon the State Highway Commission to furnish adequate technical and engineering supervision in making surveys, preparing plans and specifications, preparing project proposals and supervising actual con struction; the actual cost of such aid in supervising shall be paid by the county as a charge against its project.

"In order that maximum benefits may be obtained in the expenditure of the State fund made available to the counties under this Act for the construction of county lateral roads, and so that the counties may have the benefit of widespread competition among contractors in bidding on such projects, such counties may, in their discretion, authorize the State Highway Commission to receive bids in Austin on all such construction in the same manner as is now provided by law for the award of contracts on State Highways.

the aggregate debt service requirements of all issues for that year. When any issue of obligations which will receive aid under this section is already listed with the Board of County and District Road Indebted—

"When any road which shall have been constructed by any county wholly from the County Lateral Road Account shall be designated by the State Highway Commission as a part of the system of designated State

Highways, the designation of such road by the State Highway Commission shall constitute a full and complete discharge of any and all obligations of the State, moral, legal or implied, for the payment of such highway.

"In the event the Commissioners Court elects to cooperate with the Highway Department in the building of, or in the construction of, farmto-market roads, it shall by proper resolution entered upon its minutes, authorize the State Treasurer to pay such funds to be so used over to the State Highway Department for use on certain designated projects. Regardless of how the funds allocated to the counties from the Lateral Road Account are used, the County Judge of each county shall file with the Board on or before October 1st, of each year, a verified report showing the manner in which the said funds have been expended, the nature and location of the roads constructed, and such other information as the Board may from time to time require.

> MORRIS, EUBANK, CROSTHWAIT, GILMER, KLINGEMAN, CRAIG, HARRIS of Dallas, WALTERS.

Mr. Bean moved that the House recess until 2.30 o'clock p. m., today.

Mr. Morgan moved that the House recess until 1:30 o'clock p. m., today.

Mr. Reed of Bowie moved that the House adjourn until 10.00 o'clock a.m. tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question next recurring on the motion to recess until 1:30 o'clock p. m. today, it was lost.

Question then recurring on the motion to recess until 2:30 o'clock p. m. today, it was lost.

(Mr. McNamara in the Chair.)

Mr. Manning moved a call of the House for the purpose of maintaining a quorum pending consideration of House Bill No. 6, and the call was duly seconded.

Question recurring on the motion for the Call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas-55

Allison Hughes Alsup Hutchinson Bailey Kersev Blankenship Klingeman Burnaman Lehman Carrington Little Cato Lock Coker Love Connelly Manford Craig Manning Daniel Markle Davis Moore Donald Morris Pevehouse Dove Duckett Phillips Dwyer Reed of Bowie Ridgeway Eubank Roberts Favors Fuchs Spacek Gilmer Stanford Green Stinson Halsev Stubbs Hanna Vale Harris of Dallas Wattner Harris of Hill Weatherford Hileman Whitesides Hobbs Williamson Huddleston

## Nays---69

Avant Garland Hargis Baker Hartzog Bean Henderson Bell Howard Benton Boone Howington Brawner Huffman Brav Humphrey Bridgers Jones Brown Kelly Bullock Kennedy Kinard Bundy Knight Burkett Lansberry Celaya Lucas Chambers Lyle Clark Cleveland McAlister Crosthwait McCann Ellis McGlasson Evans McLellan Ferguson McMurry McNamara Files Martin Fitzgerald Gandy Matthews

Mills	Senterfitt
Montgomery	Sharpe
Morgan	Simpson
Morse	Spangler
Pace	Smith of Bastrop
Parker	Thornton
Price	Voigt
Rampy	Walters
Reed of Dallas	White
Rhodes	Winfree
Sallas	

# Absent

Crossley	Lowry
Deen	McDonald
Dickson of Nolan	Murray
Helpinstill	Shell
Hoyo	Smith of Atascosa

Isaac**ks** 

## Absent—Excused

Allen	Heflin
Bruhl	King
Carlton	Leyen <b>decker</b>
Colson, Mrs.	Nicholson
Dickson of Bexar	Roark
Goodman	Taylor
Hardeman	

(Speaker in the Chair.)

Mr. Lehman moved to table the amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

# Yeas-47

Avant	King
Baker	Knight
Benton	Lehman
Brawner	Lock
Bray	Lucas
Bundy	McCann
Burnaman	McGlasson
Davis	McLellan
Deen	McMurry
Donald	McNamara
Dove	Manford
Ellis	Manning
Evans	Markle
Ferguson	Martin
Fuchs	Morgan
Garland	Pace
Green	Parker
Harris of Hill	Rampy
Henderson	Reed of Bowie
Howington	Rhodes
Huddleston	Sharpe
Hutchinson	Spacek

Stubbs	Whitesides
Wattner	

# Nays-80

Allison	Isaacks
Bailey	Jones
Bean	Kelly
Bell	Kennedy
Blankenship	Kersey
Boone	Kinard
Bridgers	Klingeman
Brown	Lansberry
Bullock	Little
Burkett	Love
Carrington	Lyle
Celaya	McDonald
Chambers	Matthews
Clark	Mills
Cleveland	Montgomery
Connelly	Moore
Craig	Morris
Crossley	Morse
Crosthwait	Murray
Daniel	Phillips
Duckett	Price
Dwyer	Reed of Dallas
Eubank	Ridgeway
Favors	Roberts
Files	Sallas
Fitzgerald	Senterfitt
Gandy	Simpson
Gilmer	Smith of Bastrop
Halsey	Smith of Atascos
Hanna	Spangler
Hargis	Stanford

a Stanford Hargis Harris of Dallas Stinson Hartzog Thornton Hileman Vale Hobbs Voigt Howard Walters Hoyo Weatherford Huffman White Hughes Williamson Humphrey Winfree

# Present-Not Voting

Alsup	Lowry
Cato	McAlister

# Absent

Coker	Pevehouse
Dickson of Nolan	Shell
Helpinstill	

# Absent-Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	Leyendecker
Colson, Mrs.	Nicholson
Dickson of Bexar	Roark
Goodman	Taylor

#### PAIRED

Mr. Alsup (present), who would vote "yea," with Mr. Carlton (absent), who would vote "nay."

Mr. Lowry (present), who would vote "yea," with Mr. Hardeman (absent), who would vote "nay."

Mr. McAlister (present), who would vote "nay," with Mr. Coker (absent), who would vote "yea."

Question recurring on the amendment by Mr. Morris, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas-86

Allison Humphrey Bailey Isaacks Bean Jones Bell Kelly Benton Kennedy Blankenship Kersey Boone Kinard Bridgers Klingeman Brown Lansberry Bullock Little Burkett Love Carrington Lyle McAlister Cato Celaya McDonald Chambers McMurry Clark Matthews Cleveland Montgomery Connelly Moore Morris Craig Morse Crossley Parker Crosthwait Pevehouse Daniel Phillips Duckett Price Dwyer Rampy Eubank Favors Reed of Dallas Fitzgerald Ridgeway Roberts Files Sallas Gandy Gilmer Senterfitt Halsey Sharpe Simpson Hanna Smith of Bastrop Hargis Smith of Atascosa Harris of Dallas Spangler Hartzog Hileman Stanford Hobbs Stinson Howard Vale Hoyo Voigt Huffman Walters Hughes Wattner

Weatherford Williamson White Winfree

## Nays—41

Avant Knight Baker Lehman Brawner Lock Bray Lucas McGlasson Burnaman McLellan Davis McNamara Deen Manford Donald Dove Manning Ellis Markle Evans Martin Mills Ferguson Morgan Fuchs Garland Pace Green Reed of Bowie Harris of Hill Rhodes Henderson Spacek Howington Stubbs Huddleston Thornton

Present-Not Voting

Alsup Lowry

King

Hutchinson

Whitesides

McCann

#### Absent

Bundy Helpinstill
Coker Murray
Dickson of Nolan Shell

# Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar Roark
Goodman Taylor

#### PAIRED

Mr. McCann (present), who would vote "nay," with Mr. Bruhl (absent), who would vote "yea."

Mr. Alsup (present), who would vote "nay," with Mr. Carlton (absent), who would vote "yea."

Mr. Lowry (present), who would vote "nay," with Mr. Hardeman (abcent), who would vote "yea."

Mr. Morris moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Stanford (by unanimous consent) offered the following amendment to the amendment by Mr. Morris:

Amend paragraph (j) of Section 6 of Amendment No. 1 of House Bill No. 6 by striking out the words and figures "on and from September 1, 1941," appearing in lines 9 and 10, page 12, paragraph (j) of said section 6, and adding the word "up" immediately before the word "to" appearing in the 10 line, page 12, paragraph (j), of said Section 6 of said House Bill No. 6.

# STANFORD, GARLAND.

Question recurring on the amendment by Mr. Stanford, year and nays were demanded.

The roll of the House was called and the vote announced as follows: yeas, 63; nays, 62.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

# Yeas-63

Hutchinson Alsup Kelly Bean Kinard Bell Knight Boone Love Carrington Lucas Celaya Lyle Chambers McAlister Clark McCann Cleveland McDonald Connelly McGlasson Crosthwait McMurry Daniel McNamara Dove Manning Dwyer Montgomery Ellis Morris Files Morse Fitzgerald Murray Garland Pevehouse Gilmer Reed of Dallas Halsev Ridgeway Harris of Dallas Sallas Harris of Hill Sharpe Hartzog Simpson Henderson Spangler Hileman Stanford Howard Stinson Hoyo Vale Hughes Walters . Humphrey

Weatherford Williamson
White Winfree
Whitesides

# Nays—59

Allison Jones Avant Kennedy Bailey Kersev Baker King Benton Klingeman Bray Lansberry Bridgers Lehman Brown Little Lock Bundy McLellan Burkett Martin Burnaman Matthews Cato Mills Coker Morgan Craig Pace Davis Parker Donald **Phillips** Duckett Price Eubank Rampy Evans Reed of Bowie Favors Rhodes Ferguson Roberts Fuchs Senterfitt Gandy Smith of Bastrop Hanna Smith of Atascosa Hargis Hobbs Spacek Thornton Howington Voigt Huddleston Wattner Huffman Isaacks

# Present-Not Voting

Markle

#### Absent

Blankenship Helpinstill
Brawner Lowry
Bullock Manford
Crossley Moore
Deen Shell
Dickson of Nolan Stubbs

Green

#### Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar Roark
Goodman Taylor

The Speaker announced that the amendment by Mr. Stanford was adopted.

Mr. McMurry moved to reconsider

the vote by which the amendment by Mr. Stanford was adopted.

Mr. McGlasson moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas-77

Hutchinson Alsup Isaacks Avant Kelly Bean Bell Kinard Benton Little Lock Blankenship Love Boone Lucas Brown Lyle Burnaman McDonald Carrington McGlasson Celaya McNamara Chambers Manford Cleveland Manning Connelly Montgomery Crossley Crosthwait Moore Daniel Morris Dove Morse Murray Dwyer Pace Ellis Pevehouse Evans Price Ferguson Reed of Dallas Files Sallas Fitzgerald Sharpe Garland Gilmer Simpson Smith of Bastrop Green. Halsey Smith of Atascosa Hargis Spangler Harris of Dallas Stanford Harris of Hill Stinson Hartzog Stubbs Henderson Vale Hileman Walters Howard Weatherford Hoyo White Huddleston Williamson Winfree Hughes

## Nays-49

Allison	Colton
AIIISUII	Coker
Baker	Craig
Brawner	Davis
Bray	Donald
Bundy	Duckett
Burkett	Eubank ·
Cato	Favors
Clark	Fuchs

Humphrey

Matthews Hanna Hobbs Mills Howington Morgan Huffman Parker Kennedy Phillips Kersey Rampy King Reed of Bowie Klingeman Rhodes Knight Ridgeway Lansberry Roberts Lehman Senterfitt Lowry Spacek McCann Thornton McLellan Voigt McMurry Wattner Markle Whitesides Martin

## Absent

Bailey	Gandy
Bridgers	Helpinstill
Bullock	Jones
Deen	McAlister
Dickson of Nolan	Shell

## Absent-Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	Leyendecker
Colson, Mrs.	Nicholson
Dickson of Bexar	Roark
Goodman	Taylor

Mr. Crosthwait (by unanimous consent) offered the following amendment to the amendment by Mr. Morris:

Amend Amendment No. 1 to House Bill No. 6 by inserting the words "and interest" after the word "principal" on line 26 of page 5.

The amendment was adopted.

Mr. Gilmer offered the following amendment to the amendment by Mr. Alsup:

Amend amendment to House Bill No. 6 by adding the following paragraph at the end of sub-section "j" of Section 6:

"In the event any county, road district or defined road district has since September 1, 1941, made any payment on eligible bonds, warrants or other evidence of eligible indebtedness as defined under the terms of this Act, then such county, road district or defined road district shall be reimbursed by the Board of County and District Road Indebtedness in

the amount of the payment so made on such eligible obligations."

The amendment was adopted.

(Mr. Voigt in the Chair.)

Mr. Lyle offered the following amendment to the amendment by Mr. Alsup:

Amend Alsup substitute by adding at the proper place a new section or paragraph to read as follows:

"Regardless of the other provisions of this Act, all bonds, voted by a county or road district prior to January 1, 1941, insofar as amounts of same have been or may be issued and the proceeds actually expended in the construction of roads which are of military importance on the primary routes important to national defense as certified by the Secretary of War or the Secretary of the Navy to the United States Public Roads Administration prior to January 1, 1941, shall be eligible to participate in the distribution of moneys coming into the County and Road District Highway Fund after due provision has been made for servicing the other bonds, warrants and other evidences of indebtedness made eligible to participate in said fund by the provisions of this Act, provided such participation of such bonds, warrants and other evidences of indebtedness shall not include interest in excess of 3½ per cent per annum; and providing further that the amount which shall be allocated to service such bonds made eligible by the provisions of this paragraph shall not exceed \$350,000.00 in any fiscal year; and such bonds shall become eligible to participate in the distribution of moneys from said Fund as of the date of the award of the contract for such road construction, provided that the county or road district shall expend the proceeds of such bonds on the construction of such military roads under plans and specifications and contract provisions to be approved by the State Highway Department. Provided there is hereby appropriated to the County and Road District Fund the sum of \$350,000.00 annually out of the appropriation made in section ----, paragraph to the State Highway Department.

LYLE, SMITH of Atascosa.

(Speaker in the Chair.)

Mr. Craig moved to table the amendment by Mr. Lyle.

The motion to table was lost.

Question recurring on the amendment by Mr. Lyle, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 60; nays, 62.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas-60

Allison Isaacks Alsup Kennedy Bell Kersey Boone Kinard Bridgers Little Lock Brown Carrington Love Lyle Cato McAlister Celava McGlasson Connelly McNamara Crosthwait Markle Davis Moore Duckett Morris Dwyer Morse Ellis Parker Evans Reed of Dallas Files Gandy Rhodes Garland Ridgeway Gilmer Sharpe Spangler Halsey Stanford Hargis Stinson Harris of Dallas Vale Hartzog Walters Henderson Weatherford Howard White Hoyo Huffman Whitesides Williamson Hughes Humphrey Winfree

#### Nays-57

Clark Avant Cleveland Bailey Baker Coker Craig Benton Crossley Brawner Daniel Bray Deen Burkett Donald Burnaman Dove Chambers

Manning Eubank Favors Matthews . Mills Ferguson Morgan Fuchs Hanna Murray Harris of Hill Pace Hileman Phillips Hobbs Price Huddleston Rampy Hutchinson Reed of Bowie Kelly Roberts King Sallas Klingeman Senterfitt Knight Simpson Lansberry Smith of Bastrop Lehman Spacek Lucas Thornton McCann Voigt McMurry Wattner Manford

## Absent

Bean Lowry Blankenship McDonald Bullock McLellan Bundy Martin Dickson of Nolan Montgomery Fitzgerald Pevehouse Green Roark Helpinstill Shell Howington Smith of Atascosa Jones Stubbs

#### Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar Taylor
Goodman

The Speaker announced that the amendment by Mr. Lyle was adopted.

Mr. McGlasson moved the previous question on the pending amendment and the engrossment of House Bill No. 6 and the main question was ordered.

Question recurring on the amendment by Mr. Alsup, as amended, yeas and nays were demanded.

The amendment, as amended, was adopted by the following vote:

#### Yeas---114

Allison Baker
Alsup Bell
Avant Blankenship
Bailey Boone

Bridgers Knight Brown Lansberry Bundy Lehman Little Burkett Carrington Lock Cato Love Lyle Celaya McAlister ·Clark Cleveland McCann McDonald Coker Connelly McMurry Craig McNamara Crosslev Manning Crosthwait Markle Daniel Martin Matthews Davis Moore Deen Morris Dove Morse Duckett Murray Dwyer Pace Eubank Evans Parker Favors Pevehouse Ferguson Phillips Files Price Fitzgerald Rampy Fuchs Reed of Bowie Gandy Reed of Dallas Garland Rhodes Gilmer Ridgeway Halsey Roark Hanna Roberts Sallas Hargis Harris of Dallas Senterfitt Harris of Hill Sharpe Hartzog Shell Henderson Simpson Hileman Smith of Bastron Hobbs Smith of Atascosa Howard Spacek Howington Spangler Hoyo Stanford Huddleston Stinson Huffman Stubbs Hughes Vale Humphrev Voigt Hutchinson Walters Isaacks Wattner Kelly Weatherford Kennedy White Kersey Whitesides Williamson King Klingeman Winfree

## Nays-11

Brawner Lucas
Bray McLellan
Burnaman Manford
Donald Mills
Ellis Thornton
Kinard

## Absent

Bean Helpinstill
Benton Jones
Bullock Lowry
Chambers McGlasson
Dickson of Nolan Montgomery
Green Morgan

## Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 6 was then passed to engrossment.

# HOUSE BILL NO. 6 ON THIRD READING

Mr. Lehman moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

# Yeas-120

Allison Davis Alsup Deen Avant Dickson of Bexar Bailey Donald Baker Dove Bean Duckett Bell Dwyer Blankenship Eubank Evans Boone Favors Bridgers Ferguson Brown Bullock Files Fitzgerald Bundy Burkett Fuchs Carrington Gandy Cato Garland Celaya Gilmer Halsey Clark Hanna Cleveland Hargis Connelly Harris of Dallas Crossley Harris of Hill Crosthwait Hartzog Daniel

Helpinstill Moore Henderson Morris Hileman Morse Hobbs Murray Howard Pace Howington Parker Hoyo Pevehouse Huddleston Phillips Huffman Price Hughes Rampy Humphrey Reed of Bowie Hutchinson Reed of Dallas Isaacks Rhodes Kelly Ridgeway Kennedy Roark Kersey Roberts King Sallas Klingeman Senterfitt Knight Sharpe Lansberry Shell Lehman Simpson Smith of Bastrop Little Lock Smith of Atascosa Love Spacek Lyle Spangler McAlister Stanford McCann Stinson McDonald Stubbs McGlasson Vale McMurry Voigt McNamara Walters Manning Wattner Markle Weatherford Martin White Matthews Whitesides Mills Williamson Montgomery Winfree

## Nays-10

Brawner Kinard
Bray Lucas
Burnaman McLellan
Craig Manford
Ellis Thornton

Present—Not Voting

Coker

## Absent

Benton Jones
Chambers Lowry
Dickson of Nolan Morgan
Green

## Absent—Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Goodman Taylor

The Speaker then laid House Bill

No. 6 before the House on third streading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas-121

Y eas	121
Allison	Humphrey
Alsup	Hutchinson
Avant	Isaacks
Bailey	Kelly
Baker	Kennedy
Bean	Kersey
Bell	King
Blankenship	Klingeman
Boone	Kn'ight
Bridgers	Lansberry
Brown	Lehman
Bullock	Little
Bundy	Lock
Burkett	Love
Carrington	Lowry
Cato	Lyle
Celaya	McAlister
Chambers	McCann
Clark	McDonald
Cleveland	McGlasson
Coker	McLellan
Connelly	McMurry
Crossley	McNamara
Crost <b>hwait</b>	Manford
Daniel	Manning
Davis	Markle
Deen	Martin
Dickson of Bexar	Matthews
Donald	Mills
Dove	Montgomery
Duckett	Moore
Dwyer	Morris
Eubank	Morse
Evans	Murray
Favors	Pace
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Garland	Rampy
Gilmer	Reed of Bowie
Halsey	Reed of Dallas
Hargis	Rhodes
Harris of Dallas	Ridgeway Roark
Harris of Hill	Roberts
Hartzog	Sallas
Henderson	Senterfitt
Hileman Hobbs	Sharpe
Howard	Simpson
Howington	Smith of Bastrop
Hoyo	Smith of Atascos
Huddleston	Spacek Spacek
Huffman	Spangler

Stanford

Hughes

Stinson	Weatherford
Stubbs	White
Vale	Whitesides
Voigt	Williamson
Walters	Winfree
Wattner	

#### Nays-9

Brawner	Hanna
Bray	Kinard
Burnaman	Lucas
Craig	Thornton
Ellis	

#### Absent

Benton	Helpinstill
Dickson of Nolan	Jones
Gandy	Morgan
Green	Shell

# Absent—Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	Leyendecker
Colson, Mrs.	Nicholson
Goodman	Taylor

Mr. Manning moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

# RECORDING VOTES ON HOUSE BILL NO. 6

Unanimous consent of the House was granted to have the record show that the following members who are "absent—excused" would have voted "yea" on the passage of House Bill No. 6, had they been present: Messrs. Leyendecker, Dickson of Nolan, Hardeman, Nicholson, Carlton and Bruhl.

# REASON FOR VOTE

I voted "no" on House Bill No. 6, including the Alsup amendment and the Morris amendment, in so far as each of them proposes to divert money now in the State Highway Fund to other use than for Bond Assumption, for the reason that, excepting the Bond Assumption provisions, these proposals represent a further attempt to divert public funds from the purpose for which such funds were levied and collected.

ELLIS.

# PROVIDING FOR ADJOURNMENT SINE DIE

Mr. Isaacks offered the following resolution:

H. C. R. No. 11, Providing for Adjournment Sine Die.

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the First Called Session of the Forty-seventh Legislature stand adjourned sine die on Friday, September 19, 1941, at 6:00 o'clock p. m.

The resolution was read second time.

Mr. Cato moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas-38

Bailev Hutchinson Baker Kelly Brawner Klingeman Brown Knight Bundy Lock Burkett Lowry Burnaman Lucas Cato McLellan Coker McNamara Connelly Manford Davis Manning Duckett Markle Dwyer Martin Ferguson Mills Hargis Rampy Harris of Hill Roark Henderson Smith of Atascosa Hobbs Spacek Whitesides Hughes

# Nays-89

Allison Cleveland Alsup Craig Avant Crosslev Bell Crosthwait Blankenship Daniel Boone Deen Donald Bray Bridgers Ellis Carrington Eubank Celaya Evans Chambers Favors Clark Files

Fitzgerald Moore Fuchs Morris Gandy Morse Garland Murray Gilmer Pace Halsev Parker Hanna Pevehouse Harris of Dallas **Phillips** Hartzog Price Reed of Bowie Hileman Reed of Dallas Howard Howington Rhodes Hoyo Ridgeway Huddleston Roberts Huffman Sallas Humphrey Senterfitt Isaacks Sharpe Kennedy Simpson Smith of Bastrop Kersey Kinard Spangler Stanford King Lansberry Stinson Lehman Stubbs Little Thornton Love Vale Lyle Voigt McAlister Walters McCann Wattner McDonald Weatherford McGlasson White McMurry Williamson Winfree Matthews Montgomery

#### Absent

Bean Green
Benton Helpinstill
Bullock Jones
Dickson of Nolan Morgan
Dove Shell

## Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar Taylor
Goodman

Mr. Manford moved that further consideration of the resolution be postponed until 10:00 o'clock a. m., next Friday.

On motion of Mr. Isaacks, the motion to postpone was tabled.

Question recurring on the resolution by Mr. Isaacks, yeas and nays were demanded.

The resolution was adopted by the following vote:

Green

## Yeas-89

Kennedy Allison Kersey Alsup Avant Kinard Bailey King Lansberry Bell Little Boone Love Bray Lyle Bridgers McAlister Bullock McCann Bundy McDonald Carrington McMurry Celaya Chambers Martin Matthews Clark Montgomery Cleveland Moore Connelly Morgan Craig Morris Crossley Morse Crosthwait Murray Daniel Pace Davis Parker Deen Pevehouse Donald Phillips Duckett Price Dwyer Reed of Bowie Ellis Reed of Dallas Eubank Evans Ridgeway Files Roberts Sallas Fitzgerald Senterfitt Gandy Garland Simpson Smith of Bastrop Gilmer Spangler Halsey Hanna Stinson Thornton Harris of Dallas Hartzog Vale Hileman Voigt Walters

Hartzog
Hileman
Howard
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks

## Nays-37

Wattner

Winfree

White

Weatherford

Williamson

Baker Hobbs Brawner Howington Brown Hutchinson Burkett Kelly Burnaman Klingeman Knight Cato Coker Lehman Favors Lock Ferguson Lowry Lucas Fuchs McLellanHargis McNamara Harris of Hill Manford Henderson

Manning Smith of Atascosa
Markle Spacek
Rampy Stanford
Rhodes Stubbs
Roark Whitesides
Sharpe

# Absent

Bean Helpinstill
Benton Jones
Blankenship McGlasson
Dickson of Nolan Mils
Dove Shell

# Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar Taylor
Goodman

Mr. Love moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas-58

Boone Kinard Carrington King Chambers Little Clark Love Lyle Craig Crossley McAlister Davis Montgomery Deen Moore Donald Morse Dwyer Parker Ellis Pevehouse Evans **Phillips** Files Price

Gandy Reed of Bowie
Garland Reed of Dallas
Gilmer Ridgeway
Halsey Roberts
Hanna Sallas
Harris of Dallas Shell
Hartzog Simpson

Hileman Smith of Bastrop Howard Smith of Atascosa

Hoyo Spangler
Huddleston Stinson
Hughes Voigt
Humphrey Walters
Isaacks White
Kennedy Williamson
Kersey Winfree

# Nays---67

Allison Knight Lansberry Alsup Avant Lehman Bailey Lock Baker Lowry Bean Lucas Bell McCann Brawner McDonald Bray McGlasson Brown McLellan Bundy McMurry Burkett McNamara Burnaman Manford Cato Manning Cleveland Markle Coker Martin Connelly Matthews Crosthwait Mills Daniel Morris Duckett Murray Eubank Pace Favors Rampy Ferguson Rhodes Fitzgerald Roark Fuchs Senterfitt Hargis Sharpe Harris of Hill Spacek Henderson Stanford Hobbs Stubbs Howington Thornton Huffman Weatherford Hutchinson Wattner Kelly Whitesides

## Absent

Benton Dove
Blankenship Green
Bridgers Helpinstill
Bullock Jones
Celaya Morgan
Dickson of Nolan Vale

Klingeman

#### Absent—Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman

Question then recurring on the motion to reconsider the vote by which the resolution by Mr. Isaacks was adopted, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

# Yeas-49

Allison Knight Alsup Lehman Bailey Lock Baker Lowry Brawner Lucas Bray McGlasson Brown McLellan Burkett McMurry Burnaman McNamara Cato Manford Cleveland Manning Coker Markle Connelly Matthews Duckett Mills Ferguson Pace Fuchs Rampy Gandy Rhodes Hargis Roark Harris of Hill Senterfitt Henderson Sharpe Hobbs Spacek Howington Stanford Hutchinson Stubbs Kelly Whitesides Klingeman

# Nays—76

Avant Huffman Bell Hughes Boone Humphrey Bridgers Isaacks Bundy Kennedy Carrington Kersey Celaya Kinard Chambers King Clark Lansberry Craig Little Crossley Love Crosthwait Lyle McAlister Daniel McCann Davis Deen McDonald Donald Martin Dwyer Montgomery Ellis Moore Eubank Morris Evans Morse Murray Favors Parker Files Fitzgerald Pevehouse Garland Phillips Price Gilmer

Halsey Reed of Bowie
Hanna Reed of Dallas
Harris of Dallas Ridgeway
Hartzog Roberts
Hileman Sallas

Howard Shell
Hoyo Simpson
Huddleston Smith of Bastrop

Smith of Atascosa	Walters
Spangler	Weatherford
Stinson	Wattner
Thornton	Williamson
Voigt	Winfree

## Absent

Bean	Green
Benton	Helpinstill
Blankenship	Jones
Bullock	Morgan
Dickson of Nolan	Vale
Dove	White
A boont - Evenged	

## Absent-Excused

Allen	Hardeman
Bruhl	Heflin
Carlton	Leyendecker
Colson, Mrs.	Nicholson
Dickson of Bexar	Taylor
Goodman	

# COMMITTEE APPOINTED

In compliance with H. S. R. No. 12, by Mr. Taylor, Providing for the appointment of certain committee to investigate alleged un-American activities, the Speaker announced the appointment of the following:

Messrs. Love, Dwyer, Phillips, Simpson, and Cato.

# ADJOURNMENT

Mr. Kersey moved that the House adjourn until 10:00 o'clock a. m., next Wednesday.

Mr. Isaacks moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn until 10:00 o'clock a.m., tomorrow, it was lost.

Question then recurring on the motion to adjourn until 10:00 o'clock a.m., next Wednesday, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas-69

Allison	Brawner
Alsup	Bridgers
Avant	Brown
Bean	Bullock
Bell	Bundy
Blankenship	Burnaman
Boone	Cato

Clark McNamara Cleveland Manning Coker Markle Crosthwait Martin Daniel Mills Duckett Moore Dwyer Morris Morse Favors Ferguson Pace Fitzgerald Pevehouse Gandy Rampy Gilmer Rhodes Harris of Dallas Ridgeway Harris of Hill Roark Hartzog Roberts Henderson Sallas Hoyo Simpson Huffman Smith of Bastrop Smith of Atascosa Humphrey Hutchinson Spangler Kennedy Stanford Kersey Voigt Little Walters Weatherford Love McAlister Whitesides McDonald Williamson McGlasson Winfree McMurry

#### Nays-56

Kelly
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Lock
Lowry
Lucas
Lyle
McCann
McLellan
Manford
Matthews
Montgomery
Parker
Phillips
Price
Reed of Bowie
Reed of Dallas
Senterfitt
Sharpe
Spacek
Stinson
Stubbs
Thornton
Wattner

# Present-Not Voting

Howard

#### Absent

Celaya Morgan
Dickson of Nolan Murray
Dove Shell
Green Vale
Helpinstill White
Jones

#### Absent-Excused

Allen Hardeman
Bruhl Heflin
Carlton Leyendecker
Colson, Mrs. Nicholson
Dickson of Bexar
Goodman

The House accordingly, at 3:15 o'clock p. m., adjourned until 10:00 o'clock a. m., next Wednesday, September 17.

## APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Counties: H. B. No. 28.

Judicial Districts: H. B. No. 33.

Game and Fisheries: H. B. Nos. 30 and 31.

State Affairs: H. B. No. 34 and H. C. R. No. 9.

REPORTS OF COMMITTEE ON ENGROSSED BILLS

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 4, To grant the heirs of William Walsh and Dora Walsh, namely, Edward J. Walsh, P. A. Walsh, W. J. Walsh, James M. Walsh, Katie McGinnis and Louis McGinnis, permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 6, Authorizing the State Highway Department to lend certain equipment to the City of Mount Pleasant.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 12, A bill to be entitled "An Act granting consent by the State of Texas, to Mrs. Mamie Scherrer and husband Emil Scherrer, their heirs, executors, administrators and assigns, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas; and to impose liability upon the State of Texas for the negligence of its agents, officers or representatives for damages proximately caused by such negligence to the above named Mrs. Mamie Scherrer, growing out of an automobile accident on the public highway running from Sinton to Taft, Texas, and providing for process in such suit upon the Attorney General of Texas, providing appeal may be prosecuted to the Court of Civil Appeals and other appellate court and the Supreme Court of Texas precisely as if both parties to such appeal were private individuals; and providing that this Act shall constitute no admission of liability on the part of the State; providing further that the invalidity of one part of the Act should not render invalid other provisions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives. Sir: Your Committee on Engrossed | favor of the issuance of bonds and Bills, to whom was referred | levying of tax to pay interest and

H. B. No. 20, A bill to be entitled "An Act to amend Section 1 of House Bill No. 271, Acts of the Regular Session of the Forty-seventh Legislature, the Judiciary Appropriation Bill, by adding thereto a new Section to be known as Section 1a, to make an appropriation of Two Thousand, Six Hundred Dollars (\$2,600) for the payment of compensation or fees to attorneys, including County Attorneys, etc.; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 26, A bill to be entitled "An Act regulating the time when a convict shall be discharged while out on conditional clemency; defining conditional clemency; prescribing the duties of the prison officials; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills. to whom was referred

H. B. No. 22, A bill to be entitled "An Act to vanidate, ratify, and confirm elections and proceedings had in connection with the issuance of bonds by counties for the construction of Livestock and Agricultural buildings; authorizing Exhibition and empowering counties to issue bonds in the amounts voted in said elections where question submitted to qualified electors of said county and majority of the qualified voters of said county who own taxable property and who have duly rendered the same for taxation voting at said election on said proposition voted in

favor of the issuance of bonds and levying of tax to pay interest and provide a sinking fund for such purpose; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 24, A bill to be entitled "An Act making it unlawful for any person to hunt or kill quail outside of the county of his residence on the private lands of another person except on certain days; providing a penalty; making the Act applicable to Henderson and Cherokee Counties; repealing laws in conflict; granting authority to officers for enforcement of the Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 8, Making certain requests of Congress with reference to the Social Security Act.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, "An Act amending House Bill No. 921, Acts of the Regular Session of the Forty-seventh Legislature, eliminating doves from the provision of said Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 23, "An Act to amend House Bill No. 397 passed by the Regular Session of the Forty-seventh Legislature, 1941, validating the order of the Commissioners Court of Bowie County, Texas, which required the County Tax Assessor and Collector to accept in full payment of all county taxes delinquent for the years 1930, 1931, 1932, 1933, and due in 1934, the sum of fifty (50) Cents on the dollar; and instructing the State Comptroller to abide by the order of the said Commissioners Court; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, September 12, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on engrossed Bills, to whom was referred

H. B. No. 29, "An Act amending House Bill No. 6, Acts, 1929, of the Forty-first Legislature, Second Called Session, Page 172, Chapter 88, with the amendments thereto and adding a new section providing for the establishment of sub-offices or branch offices outside of the County Seat by the Tax Collector for the registration of motor vehicles and issuance of receipts incident thereto; authorizing the Tax Collector to so establish such offices when authorized by the Commissioners Court and to appoint deputies therein; providing for salary or compensation for said deputies; repealing laws in conflict therewith; providing method of accounting for moneys collected and receipts issued; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS. Chairman

# In Memory of

# Mrs. Carleton T. England

Mr. Morris offered the following resolution:

H. S. R. No. 15, In memory of Mrs. Carleton T. England.

Whereas, on the 25th day of September, 1941, the Giver of all life, in His infinite wisdom, called back to Himself the life of Mrs. Carleton T. England, of Commerce, mother-in-law of our able colleague, Leonard Carlton, as the result of an automobile accident near the outskirts of the City of Dallas; and

Whereas, Mrs. England, the former Sallie Hundley, the daughter of Dr. C. J. Hundley, was a member of a pioneer Hunt County family,

among the first to settle in this section of Texas; and

Whereas, She was a woman that was devoted to her home and her family, was of a cheerful disposition, and made friends of everyone, and was loved by all who knew her; and

Whereas, Her passing is deeply felt by much of the population

of Northeast Texas; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas hereby extend its deepest sympathy to the members of her family

in these days of loneliness at her absence; and be it further

Resolved, That a copy of this resolution be spread on a memorial page of the House Journal today, and that a copy of this resolution be sent to immediate members of her family by the Chief Clerk of the House under its Seal, and that when the House adjourns today, it do so in honor and memory of Mrs. Carleton T. England, mother-in-law of a member of the House of Representatives.

## MORRIS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Green, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides, Williamson, Winfree.

On the motion of Mr. Jones, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.